

In re ARHAB
09/806,035

Remarks

The Examiner is thanked for the Official Action dated October 2, 2004. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 31 was rejected under 35 U.S.C. 112, first paragraph for containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, to make and/or use the invention. Applicant respectfully disagrees. It is first noted that claim 31 has been canceled and the limitations incorporated into claim 1. Moreover, the rigid connection between the tongue and each of the piston and wall does not preclude relative axially movement between the wall and piston. The tongue is rigidly connected to the piston and there is no relative movement there between. Similarly the tongue is rigidly mounted to the wall and there is no relative movement there between. The arrangement of the present invention, the rigid connection between the tongue and each of the piston and wall being distinct from the rotational connection disclosed by Jandasek which will be discussed in more detail below. However, relative axial movement between the wall and piston is permitted by deformation of the axially elastic tongue 23. Thus the specification is not in contrast to the spring of claim 31 where no degree of freedom exist between the tongue and either the piston and transverse wall and thus claim 1 is believed to be in conformance with 35 U.S.C. 112.

Claims 1-5, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Jandasek (USP 2,793,726). Claims 21-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jandasek '726. Applicant respectfully disagrees.

Contrary to the present invention, Jandasek '726 discloses the flat springs 42 being "rotatably mounted upon a pivot block 43 welded top the piston while the opposite end of the spring is rotatably connected to a pivot block welded to the radial end wall 19 of the cover member 18." Inherent in each of such rotatable connections is a clearance between the pivot and tongue. This clearance is undesirable and cannot permit centering of the piston with respect to the sleeve of the hub of the turbine wheel. In order to realize such centering, Jandasek discloses the piston provided with an axially extended flange slidably mounted upon the sleeve and the outer peripheral margin of the piston is slidably mounted within the cylindrical portion of the end cover plate. This sliding movement of the piston is undesirable as such presents a risk of jamming the piston during axial movement. The arrangement of the present invention, providing no degree of movement between the tongue and each of the piston and wall, limits such risk of jamming.

In addition, the rotation type links described by Jandasek '726 do not have the same function as the rigidly fixed type links of the instant claims. It is not obvious for a person skilled in the art to modify Jandasek's teaching in order to obtain the instant invention because Jandasek '726 does not address a fixed type link. Regarding claim 29, Arhab et al. teach a friction means disposed between the piston and the hub but carried by hub. In the instant claim, the friction means is carried by the piston. A person of skill in the art would modify the teaching of Jandasek

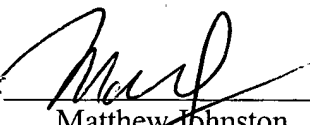
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'726 by introducing the friction means of Arhab et al. between the piston and the hub, the friction mean being carried by the hub as taught by Arhab et al. – leading one of skill in the art to an invention different from the instantly claimed invention.

Jandasek, and the reaming prior art fails to disclose tongues rigidly fixed to the piston and to the transverse wall thereby providing no degree of freedom between the tongues and either the piston or the transverse wall. Thus any rejection of claim 1 under either 35 U.S.C. 102 or 103 is improper

It is respectfully submitted that the above amendments and comments resolve all outstanding issues and place this application in condition for allowance. Should the Examiner believe additional discussion would advance the prosecution of the present application, please contact the undersigned at the local telephone number listed below.

Respectfully submitted,

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